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110TH CONGRESS
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[Report No. 110-245]

To protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. STEVENS (for himself, Mr. INOUE, Mrs. HUTCHISON, Mr. PRYOR, Mr. NELSON of Florida, Mr. ROCKFELLER, Mr. BOND, Mr. THUNE, Mr. VITTER, Ms. SNOWE, Ms. MURKOWSKI, Mr. KERRY, Mr. COCHRAN, Mr. HAGEL, Mr. HATCH, Mr. SMITH, Ms. KLOBUCHAR, Mr. COLEMAN, Mr. ROBERTS, and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 12, 2007

Reported by Mr. INOUE, with amendments

[Omit the part struck through and insert the part printed in *italie*]

A BILL

To protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Protecting Children in the 21st Century Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROMOTING A SAFE INTERNET FOR CHILDREN

Sec. 101. Internet safety.

Sec. 102. Public awareness campaign.

Sec. 103. Annual reports.

Sec. 104. Authorization of appropriations.

Sec. 105. Online safety and technology working group.

Sec. 106. Promoting online safety in schools.

Sec. 107. Definitions.

TITLE II—ENHANCING CHILD PORNOGRAPHY ENFORCEMENT

Sec. 201. Child pornography prevention; forfeitures related to child pornog-
 raphy violations.

Sec. 202. Additional child pornography amendments.

8 **TITLE I—PROMOTING A SAFE**
 9 **INTERNET FOR CHILDREN**

10 **SEC. 101. INTERNET SAFETY.**

11 For the purposes of this title, the issue of Internet
 12 safety includes issues regarding the use of the Internet
 13 in a manner that promotes safe online activity for chil-
 14 dren, protects children from cybercrimes, including crimes
 15 by online predators, and helps parents shield their children
 16 from material that is inappropriate for minors.

1 **SEC. 102. PUBLIC AWARENESS CAMPAIGN.**

2 The Federal Trade Commission shall carry out a na-
3 tionwide program to increase public awareness and pro-
4 vide education regarding strategies to promote the safe
5 use of the Internet by children. The program shall utilize
6 existing resources and efforts of the Federal Government,
7 State and local governments, nonprofit organizations, pri-
8 vate technology and financial companies, Internet service
9 providers, World Wide Web-based resources, and other ap-
10 propriate entities, that includes—

11 (1) identifying, promoting, and encouraging
12 best practices for Internet safety;

13 (2) establishing and carrying out a national
14 outreach and education campaign regarding Internet
15 safety utilizing various media and Internet-based re-
16 sources;

17 (3) facilitating access to, and the exchange of,
18 information regarding Internet safety to promote up-
19 to-date knowledge regarding current issues; and

20 (4) facilitating access to Internet safety edu-
21 cation and public awareness efforts the Commission
22 considers appropriate by States, units of local gov-
23 ernment, schools, police departments, nonprofit or-
24 ganizations, and other appropriate entities.

1 **SEC. 103. ANNUAL REPORTS.**

2 The Commission shall submit a report to the Senate
3 Committee on Commerce, Science, and Transportation not
4 later than March 31 of each year that describes the activi-
5 ties carried out under section 102 by the Commission dur-
6 ing the preceding calendar year.

7 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

8 For carrying out the public awareness campaign
9 under section 102, there are authorized to be appropriated
10 to the Commission \$5,000,000 for each of fiscal years
11 2008 and 2009.

12 **SEC. 105. ONLINE SAFETY AND TECHNOLOGY WORKING**
13 **GROUP.**

14 (a) ESTABLISHMENT.—Within 90 days after the date
15 of enactment of this Act, the Assistant Secretary of Com-
16 merce for Communications and Information shall establish
17 an Online Safety and Technology working group com-
18 prised of representatives of relevant sectors of the business
19 community, public interest groups, and other appropriate
20 groups and Federal agencies to review and evaluate—

21 (1) the status of industry efforts to promote on-
22 line safety through educational efforts, parental con-
23 trol technology, blocking and filtering software, age-
24 appropriate labels for content or other technologies
25 or initiatives designed to promote a safe online envi-
26 ronment for children;

1 (2) the status of industry efforts to promote on-
2 line safety among providers of electronic communica-
3 tions services and remote computing services by re-
4 porting apparent child pornography under section
5 13032 of title 42, United States Code, including
6 amendments made by this Act with respect to the
7 content of such reports and any obstacles to such re-
8 porting;

9 (3) the practices of electronic communications
10 service providers and remote computing service pro-
11 viders related to record retention in connection with
12 crimes against children; and

13 (4) the development of technologies to help par-
14 ents shield their children from inappropriate mate-
15 rial on the Internet.

16 (b) REPORT.—Within 1 year after the working group
17 is first convened, it shall submit a report to the Assistant
18 Secretary and the Senate Committee on Commerce,
19 Science, and Transportation that—

20 (1) describes in detail its findings, including
21 any information related to the effectiveness of such
22 strategies and technologies and any information
23 about the prevalence within industry of educational
24 campaigns, parental control technologies, blocking

1 and filtering software, labeling, or other technologies
 2 to assist parents; and

3 (2) includes recommendations as to what types
 4 of incentives could be used or developed to increase
 5 the effectiveness and implementation of such strate-
 6 gies and technologies.

7 (c) FACA NOT TO APPLY TO WORKING GROUP.—
 8 The Federal Advisory Committee Act (5 U.S.C. App.)
 9 shall not apply to the working group.

10 **SEC. 106. PROMOTING ONLINE SAFETY IN SCHOOLS.**

11 Section 254(h)(5)(B) of the Communications Act of
 12 1934 (47 U.S.C. 254(h)(5)(b)) is amended—

13 (1) by striking “and” after the semicolon in
 14 clause (i);

15 (2) by striking “minors.” in clause (ii) and in-
 16 serting “minors; and”; and

17 (3) by adding at the end the following:

18 “(iii) as part of its Internet safety
 19 policy is educating minors about appro-
 20 priate online behavior, including inter-
 21 acting with other individuals on social net-
 22 working websites and in chat rooms and
 23 cyberbullying awareness and response.”.

24 **SEC. 107. DEFINITIONS.**

25 In this title:

1 (1) COMMISSION.—The term “Commission”
2 means the Federal Trade Commission.

3 (2) INTERNET.—The term “Internet” means
4 collectively the myriad of computer and tele-
5 communications facilities, including equipment and
6 operating software, which comprise the inter-
7 connected world-wide network of networks that em-
8 ploy the Transmission Control Protocol/Internet
9 Protocol, or any predecessor successor protocols to
10 such protocol, to communicate information of all
11 kinds by wire or radio.

12 **TITLE II—ENHANCING CHILD** 13 **PORNOGRAPHY ENFORCEMENT**

14 **SEC. 201. CHILD PORNOGRAPHY PREVENTION; FORFEIT-** 15 **URES RELATED TO CHILD PORNOGRAPHY** 16 **VIOLATIONS.**

17 (a) IN GENERAL.—Section 503(b)(1) of the Commu-
18 nications Act of 1934 (47 U.S.C. 503(b)(1)) is amended—

19 (1) by striking “or” after the semicolon in sub-
20 paragraph (C);

21 (2) by striking “or 1464” in subparagraph (D)
22 and inserting “1464, or 2252”;

23 (3) by inserting “or” after the semicolon in
24 subparagraph (D); and

1 (4) by inserting after subparagraph (D) the fol-
 2 lowing:

3 “(E) violated any provision of section 227 of
 4 the Victims of Child Abuse Act of 1990 (42 U.S.C.
 5 13032);”.

6 **SEC. 202. ADDITIONAL CHILD PORNOGRAPHY AMEND-**
 7 **MENTS.**

8 (a) INCREASE IN FINE FOR FAILURE TO REPORT.—
 9 Section 227(b)(4) of the Crime Control Act of 1990 (42
 10 U.S.C. 13032(b)(4)) is amended—

11 (1) by striking “\$50,000;” in subparagraph (A)
 12 and inserting “\$150,000;” and

13 (2) by striking “\$100,000.” in subparagraph
 14 (B) and inserting “\$300,000.”.

15 (b) INTERNATIONAL INFORMATION SHARING.—Sec-
 16 tion 227 of the Victims of Child Abuse Act of 1990 (42
 17 U.S.C. 13032) is amended—

18 (1) by striking “a law enforcement agency or”
 19 in subsection (b)(1) and inserting “appropriate Fed-
 20 eral, State, or foreign law enforcement agencies”;

21 (2) by inserting “Federal, State, or foreign”
 22 after “designate the” in subsection (b)(2);

23 (3) by striking “law.” in subsection (b)(3) and
 24 inserting “law, or appropriate officials of foreign law
 25 enforcement agencies designated by the Attorney

1 General for the purpose of enforcing State or Fed-
2 eral laws of the United States.”;

3 (4) by redesignating paragraphs (3) and (4) of
4 subsection (b) as paragraphs (4) and (5), respec-
5 tively, and inserting after paragraph (2) the fol-
6 lowing:

7 “(3) CONTENTS OF REPORT.—To the extent
8 this information is reasonably available to an elec-
9 tronic communication service provider or a remote
10 computing service provider, each report under para-
11 graph (1) shall include—

12 “(A) information relating to the Internet
13 identity of any individual who appears to have
14 violated any section of title 18, United States
15 Code, referenced in paragraph (1), including
16 any relevant user ID or other online identifier,
17 electronic mail addresses, website address, uni-
18 form resource locator, or other identifying in-
19 formation;

20 “(B) information relating to when any ap-
21 parent child pornography was uploaded, trans-
22 mitted, reported to, or discovered by the elec-
23 tronic communication service provider or a re-
24 mote computing service provider, as the case

1 may be, including a date and time stamp and
2 time zone;

3 “(C) information relating to geographic lo-
4 cation of the involved individual or reported
5 content, including the hosting website, uniform
6 resource locator, street address, zip code, area
7 code, telephone number, or Internet Protocol
8 address;

9 “(D) any image of any apparent child por-
10 nography relating to the ~~incident~~ *incident*, and
11 *any images commingled with images of apparent*
12 *child pornography*, such report is regarding;
13 and

14 “(E) accurate contact information for the
15 electronic communication service provider or re-
16 mote computing service provider making the re-
17 port, including the address, telephone number,
18 facsimile number, electronic mail address of,
19 and individual point of contact for such elec-
20 tronic communication service provider or remote
21 computing service provider.”;

22 (5) by inserting “section 404 of the Missing
23 Children’s Assistance Act (42 U.S.C. 5773),” after
24 “section,” in subsection (g)(1); and

25 (6) by adding at the end thereof the following:

1 “(h) USE OF INFORMATION TO COMBAT CHILD POR-
2 NOGRAPHY.—The National Center for Missing and Ex-
3 ploited Children is authorized to provide elements relating
4 to any ~~image, including the image itself,~~ *image* or other
5 relevant information reported to its Cyber Tip Line to an
6 electronic communication service provider or a remote
7 computing service provider for the sole and exclusive pur-
8 pose of permitting that electronic communication service
9 provider or remote computing service provider to stop the
10 further transmission of images and develop anti-child por-
11 nography technologies and related industry best practices.
12 Any electronic communication service provider or remote
13 computing service provider that receives information from
14 the National Center for Missing and Exploited Children
15 under this subsection may use such information only for
16 the purposes described in this subsection.”.

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